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William Berg, City Council President
Jeremy Pelletier, City Clerk

BOARD OF ESTIMATE AND APPORTIONMENT
MEETING MINUTES
DPW Conference Room, 3rd Floor City Hall
Wednesday February 25, 2015

Call to Order. Called to order at 11:22am by Richard C. David, Mayor

Board Members Present: Gary Holmes, Commissioner of Public Works; Chuck Shager, Comptroller; Kenneth J. Frank, Corporation Counsel; Richard C. David, Mayor

Board Members Absent: None

Also Present: Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

ITEMS CONSIDERED

Permanent Easement for Portion of 70-72 Court Street. Request to enter into an agreement for a permanent easement for a portion of 72 Court Street, submitted by 33 State Street Associates. Alan Pope, Andrew Urso and Larry Pasquale attended the meeting held January 15, 2014 to discuss the proposal. The Board reviewed this matter, and concluded that any agreement should be limited to the space required for a stairway, but should not include space for a patio. The Board of Contract and Supply approved a Request for Sealed Bids for 70-72 Court Street at a meeting held on February 12, 2014. Such Request for Sealed Bids includes a restriction stating that the sale would be subject to a permanent easement for pedestrian ingress and egress from a basement stairwell at 92 State Street, but that construction above the stairwell would be permitted. Kenneth J. Frank to discuss the details of the permanent easement with Mr. Pope. Kenneth J. Frank sent a letter to Mr. Pope requesting a better description of the distances of the proposed easements. No update, waiting on a response from Mr. Pope.

Water Street – Public Right of Way. Offer to purchase Water Street-Public Right of Way (L74 Pg. 356) for \$5,200, submitted by Ellis Brothers and Joseph Inc. on July 14, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on July 16, 2014. Scott Snyder responded on 7/16/2014 stating that he had no objection to the sale of the property. Bob Murphy responded on October 27, 2014 stating that assuming the OTP meets Scott Snyder's okay and last I heard the neighboring property owners were supportive – I have no objection. Tom Costello responded on 11/10/14 stating that he was in favor of the sale of the property but not the proposed use of the property. Jennie Skeadas-Sherry responded on 11/10/2014 stating that she does not have any problem with the purchase. Kenneth Frank will look into easements and rights of way for adjacent property owners. Kenneth J. Frank to meet with Gary Holmes, Robert Murphy and Jennie Skeadas-Sherry to review maps to ensure that of property owners has access to their buildings. Letter regarding easements and rights of way were drafted and will be sent to the attorney representing Ellis Brothers and Joseph Inc. Kenneth J. Frank will send a letter to the company's attorney regarding the easements for the adjacent property owners. A letter will also be sent to the property owner of the garage to ensure it is abandoned. No update, waiting on a response from attorney. The clients attorney is working with Corporation Counsel reviewing the scope of the easements.

Donation of 5 Williams Place. Americo DiCamillo Jr. submitted a letter expressing a desire to donate 5 Williams Place to the City of Binghamton on November 14 and December 18, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and



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Economic Development on November 14 and December 18, 2014. Tom Costello responded on December 18, 2014 stating our knowledge of the property is based on a case investigation during which the current property owner was cited for deficiencies in the accessory structure (barn/shed) which is located on the referenced property. The current owner inherited the property and would like to divest by gifting the property to the City. In the event that the City took control of the property, it would probably be necessary to demolish or repair the structure. The estimated cost of that work has not been determined. The parcel is located on a street that ends in a cul-de-sac. It is conceivable that a neighboring property might want to acquire the property, if the structure were in serviceable condition or if it were removed. Tom Costello further stated on December 18, 2014 the current property owner was cited for code deficiencies related to the existing auxiliary structure, which is located on the referenced parcel. The structure must be repaired or removed to achieve compliance with Property Maintenance code requirements. The current owner inherited the property and would like to divest. The parcel is located at the eastern end of the city, within a few hundred feet of the Town of Conklin municipal boundary. It is on street that ends in a cul-de-sac and there are parcels located on either side. It is conceivable that either one of those property owners might want to acquire the parcel, after the code issue has been resolved. Perhaps it would be prudent to determine the fair market value of the property, with or without the structure. The estimated cost of demolition is unknown; however, it should be relatively low, assuming there was no significant issue with asbestos. Scott Snyder responded on December 19, 2014 stated that he was not sure if the City would have any use for the property in its current condition. Reach out to see if individual would be willing to contribute \$5,000 for demolition cost. Chuck Shager visited the property on 1/19 and said that the one at Williams Pl is much larger than what the picture shows. This place looks like it will cost a large amount of money to tear down, and probably is not a good site for a fire training program. On the bright side it is located in a very nice neighborhood and I would think either side would be interested in it. Not positive it could be sold as a lot for a new home. Gary Holmes will go and review the property and report back to the Board of E&A. Jeremy Pelletier will send letters to the property owners on either side of 5 Williams Place to see if they are willing to share the cost of demolishing the structure on 5 Williams Place. Jeremy Pelletier will look to see if there are any back taxes owed for the property. Richard Perkins will work with Code to see if there are any underground storage tanks. Richard Perkins stated there are no storage tanks on the property. Keystone has conducted a preliminary survey and will have the final report completed in a couple weeks. Jeremy Pelletier will reach out to the individual stating that before the City can decide whether to accept the property the current property owner will be required to pay all property taxes.

NEW BUSINESS

Approval of Minutes. Request to approve the minutes from the Board of Estimate and Apportionment meeting held on February 18, 2015.

Motion to approve minutes from February 18, 2015.

Moved by Frank, seconded by Shager.

Motion carried. (Vote 4-0)

Ayes: Frank, Shager, Holmes, David

Nays: None

Absent: None

Flynn Avenue. A combined offer to purchase Flynn Avenue, received from John W. Young & Associates on behalf of Binghamton Giant Market, Inc. and Vestal Penn Enterprises, Inc. for \$500 per applicant. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and the Office of Economic Development on June 27, 2014. Thomas Costello responded on July 1, 2014, stating that Flynn Avenue is a paper street, mostly undeveloped except for a small portion, intersecting Vestal Avenue, which was developed with asphalt. Mr. Costello recommends obtaining additional information prior to issuing a

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recommendation. Jennie Skeadas-Sherry responded on July 2, 2014. The parcel is in a C-4 zoning district, where the minimum lot size is 6,000 SF. The proposal would create three non-conforming lots (5,983 SF / 289 SF / 1,228 SF). Ms. Skeadas-Sherry requested additional information and clarification on the necessity for subdivision and the creation of non-conforming lots. Scott Snyder responded on July 2, 2014, stating that the offer price of \$500 per applicant is low and unacceptable. Mr. Garbarino and Mr. Young attended the meeting on July 16, 2014 and provided clarification on the proposal. Mr. Holmes noted that the City would require an easement for a sewer line which extends into the street, should the sale be approved. Mr. Snyder stated that the fair market value for the property is \$6,200. Mr. Garbarino and Mr. Young will consider the price, and will contact the City if they are interested in pursuing this matter. Mr. Pelletier reached out to the applicant to determine their interest in the property. Mr. Young and Mr. Garbarino attend the meeting and would like to negotiate a purchase price for the property. The Board of E&A will review the offer to purchase and contact Mr. Young and Mr. Garbarino.

Adjournment. Motion to adjourn at 11:40am.

Moved by Frank, seconded by Holmes.

Voice vote, none opposed.